THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 24th October,2006

W.P.No.29218 of 1995

Between :

K. Sharfunnisa Begum … Petitioner

and

The Commissioner and Director of
School Education, A.P., Hyderabad
and others … Respondents

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W.P.No.29218 of 1995

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not paying salary due to the petitioner from the date of appointment i.e. 12-6-1988 or in the alternative from 25-8-1992 on which date the 1st respondent approved the post of S.G.B.T. Urdu Teacher as arbitrary and illegal.

In fact, by an interim order dated 23-3-1998 this Court directed the respondents to pay salary to the petitioner prospectively from 1-3-1998, pending further orders. Thereafter, a counter affidavit was filed on behalf of respondents 1 and 2, wherein it was asserted *inter alia* that the appointment of the petitioner was approved as SGBT Teacher in the unaided post sanctioned for the year 1989-90 with effect from 12-6-1989 vide Proceedings dated 9-11-1993. The post was sanctioned without aid and there is no financial commitment from the Government in the matter. Therefore, respondents 1 and 2 are not liable to pay any money whatsoever to the petitioner towards her salary and she is not entitled to grant-in-aid as her appointment itself was against an unaided post. In view of the said averments in the counter, the interim order granted on 23-3-1998 was vacated as against respondents 1 and 2

There is no dispute that the post sanctioned for the year 1989-90 was an unaided one. May be, it was approved thereafter on 25-8-1992. But, that itself does not mean that the petitioner is entitled to

claim salary from respondents 1 and 2. Since the matter relates to salary against an unaided post, the petitioner cannot maintain a Writ Petition in this shape. Therefore, the Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed leaving liberty to the petitioner to work out the remedies as available under the law. No order as to costs.

24-10-2006

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